



**U.S. Department of Justice**

*United States Attorney's Office  
Eastern District of New York*

KAN:TYH

271 Cadman Plaza East  
Brooklyn, New York 11201

July 12, 2011

**BY ECF**

The Honorable Brian M. Cogan  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. \$61,900 et al  
Civil Docket No. 10-CV-1866(BMC)

Dear Judge Cogan:

This matter is scheduled for a bench trial before Your Honor tomorrow morning at 9:30 a.m. The government writes this letter to request the Court's permission to add Richard Gleason to the government's witness list.

As Your Honor may recall, in the Proposed Joint Pretrial Order filed on June 30, 2011, the Claimant named two individuals he intended to call to testify at trial, one of whom was Mr. Gleason. Mr. Gleason worked as a manager for PRP Restaurant, Inc. ("PRP"). At the pretrial conference on July 7, 2011, Claimant represented to the Court that he planned to call Mr. Gleason to testify as a "rebuttal" witness, stating that Mr. Gleason would rebut certain testimony of government witness Mr. Joseph Johnson. The government objected because Mr. Gleason had not been disclosed properly during discovery. The Court allowed the government to depose the two rebuttal witnesses, including Mr. Gleason, on Monday or Tuesday, July 11 and 12, 2011. Those depositions proceeded as scheduled.

After deposing Mr. Gleason today, the government wishes to call him as a witness in the government's case in chief. The government advised the Claimant of its intention and asked if Claimant's counsel would accept service of a trial subpoena on Mr. Gleason's behalf. The Claimant's counsel declined to do so and indicated that the Claimant would object to the government's calling Mr. Gleason on the grounds that the government had failed to name Mr. Gleason in the Joint Pretrial Order. Accordingly,

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the government has served Mr. Gleason with a trial subpoena this evening at approximately 7:40 p.m., and respectfully requests leave of this Court to call Mr. Richard Gleason in the government's case in chief.

Respectfully submitted,

LORETTA E. LYNCH  
UNITED STATES ATTORNEY

BY: *Tanya Y. Hill*  
Tanya Y. Hill  
Assistant U.S. Attorney

cc: Andrew Sokol, Esq.  
BY ECF